

## REMARKS/ARGUMENTS

Claims 1, 8-11 and 16-20 are pending in this application. Claims 12-15 have been withdrawn from further consideration by the Examiner and claims 2-7 have been cancelled.

Independent claim 1 has been amended to clearly separate the existing steps of mixing, molding and sintering and to specify the metal compound powder as being a niobium or tantalum compound as originally contained in cancelled claims 2 and 3. In addition, in order to avoid any confusion between reaction agent and reducing agent the specific metal oxides, halides and carbonates have been enumerated in place of “reaction agent” and specific metals have been enumerated as the reducing agent. No new matter is introduced by the amendments nor have any new issues, not already considered previously, been raised with the amendments. Entry of the amendments is in order and is respectfully requested.

Claims 1-3, 6, 8-11 and 16-20 were rejected under 35 U.S.C. §103 as being allegedly unpatentable over U.S. Patent No. 6,136,062 to Löffelholz, *et al.* in view of U.S. Patent No. 5,417,917 of Takahar, *et al.* and further in view of U.S. Patent No. 6,015,527 of Kamei, *et al.* Claims 1-3, 8-11 and 16-18 were rejected on the same basis, for reasons stated in the Office action dated August 25, 2008 (sic). Claim 4 was rejected under 35 U.S.C. §103 over Löffelholz, *et al.* in view of Takahar, *et al.* and further in view of Kamei, *et al.* as applied to claim 1, and further in view of U.S.P. 3,839,020 to Honma, *et al.*

It is initially noted that the claims were not rejected in the Office Action (communication) of August 25, 2008 and perforce no reasons were given or stated for a rejection and only one rejection of the claims is being addressed.

With the above amendment the sole independent claim 1 (with the remaining claims being dependent thereon) has been limited to the metal compound powder being selected from niobium compound and tantalum compound. The “reaction agent” has been limited to specific oxides, halides and carbonates and the “reducing agent” has been specified as being selected from calcium, magnesium, sodium, barium and potassium. In addition, the original molding step has been broken into the component steps of mixing, molding the mixed powder and sintering the metal compound. No new steps, not already originally claimed have been set forth. No new specific reaction agents and reducing agents, not included originally in the specification and claims, have been added.

With the above amendment, claim 1 does not include oxides or carbonates of calcium. Accordingly, the Kamei et al. reference which discloses only lime and no other active metal oxides, halides or carbonates (as in claim 1, as amended), cannot teach the presently claimed invention, even in combination with Löffelholz (see col. 8, lines 29-34 of Kamei et al., cited by the Examiner). In addition, the powdery solid reductant described in the cited lines of Kamei et al. is a reducing agent mixed with the metal compound “powder” (specifically iron oxides). This is in contrast to the present process steps, wherein the reducing agent of the present claims is not mixed with the metal compound powder but rather with the metal compound feed compact. Instead, present claim 1 requires mixing the metal (niobium or tantalum) compound powder with oxides, halides or carbonates of active metals which are not reducing agents.

In the rejection, the Examiner posited that it would have been obvious to use an active metal compound as a reaction agent. It is however submitted that the “reaction agent” described by the Examiner is not akin to the “reaction agent” of the present claims. The, at least one compound selected from oxides of magnesium, sodium, barium and potassium; halides of calcium, magnesium, sodium, barium and potassium; and carbonates of magnesium, sodium, barium and potassium, are in fact relatively stable and not reactive in the sense stated by the Examiner. Thus, these specific oxides, halides and carbonates are not reduced in themselves, are not reducing agents and are, in fact, the same, both before and after the reducing step and are mixed with other binders. In order to avoid any misunderstanding or confusion between “reaction agent” and “reducing agent”, the phrase “reaction agent” has been essentially removed from the claims and specification and replaced with the above mentioned specific compounds (or references thereto). With such clarification of function, and materials (having the function), none of the references disclose that a compound of the reducing agent which is a reducing agent itself, can be added to the metal powder aside from a binder. In addition, adding at least one compound selected from the oxides of magnesium, sodium, barium and potassium; halides of calcium, magnesium, sodium, barium and potassium; and carbonates of magnesium, sodium, barium and potassium, only has the effects described at page 7 of the present specification (and not reactive properties) in controlling morphology, providing more uniformity of reduction with increased production efficiency and effective prevention of contamination. Accordingly, it would not have been obvious for one skilled in the art to use an active metal compound as a reaction agent (as understood by the Examiner).

Though the present specification describes specific compounds of magnesium, sodium, barium and potassium as being utilizable as binders, since the binder is added to the metal compound powder other than the specific compounds of magnesium, etc., the specific compounds of magnesium, et al. are not used as a binder in accordance with the presently claimed invention.

It is further submitted that the Löffelholz reference discloses that magnesium oxide or calcium oxide formed at a first stage is actually removed by washing with mineral acids before a second stage. Accordingly, since removal is desired, it would not have been obvious to add magnesium oxide in the first instance.

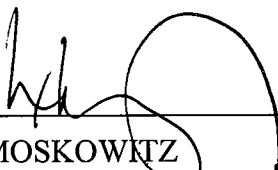
In addition to the above, since the references do not disclose the specific oxides, halides and carbonates of the present claims, the unexpected effects of these compounds, described at page 7 of the present specification (alluded to above) would not have been obvious as well.

In view of the foregoing discussion, withdrawal of the rejections and allowance of the claims of the application are respectfully requested.

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
THROUGH THE UNITED STATES  
PATENT AND TRADEMARK OFFICE  
EFS FILING SYSTEM  
ON APRIL 27, 2009

MM/IN:ns

Respectfully submitted,

  
MAX MOSKOWITZ  
Registration No.: 30,576  
Ostrolenk, Faber, Gerb & Soffen, llp  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700